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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,313	02/17/2004	Daniel Opperman	G08.072/U	1068
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BUCKLEY, MASCHOFF & TALWALKAR LLC			EXAMINER	
50 LOCUST AVENUE			ALI, MOHAMED HATEM	
NEW CANAAN, CT 06840			ART UNIT	PAPER NUMBER
			3692	
			MAIL DATE	DELIVERY MODE
			12/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,313

Applicant(s)

OPPERMAN ET AL.

Examiner

Mohamed H. Ali

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/28/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a **non-final** action in response to a communication received on 10/16/2007.

Acknowledgement

2. **Claims 1-19 and 24-30** are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claims, there being no allowable generic or linking claim. Election was made **without traverse** in the reply filed on 10/16/2007.

The applicant elected **claims 20-23**. As such **claims 20-23** are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claim 20** is rejected under 35 U.S.C. 102(e) as being anticipated by **Himmelstein (2002/0038278)**.

As per claim 20, Himmelstein discloses a method comprising:

displaying a first order type menu at times when a first order destination alternative is selected from an order destination menu (§ 0050-052; via barter website

106 or pull down menus **507** and also ¶ 0147 inherently destination at NYSE and the NASDAQ market); and

displaying a second order type menu at times when a second order destination alternative is selected from the order destination menu, the second order type menu being different from the first order type menu (¶ 0052, lines 12; via an array of pull down menus **507** for selection of second order type menu different from first type).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 21-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Himmelstein** (2002/0038278) in view of **Nordlicht et al** (2002/0194115).

As per claim 21, Himmelstein discloses a method comprising:

displaying a first order destination menu at times when a first financial instrument trading symbol is displayed in an order input area of a user interface (¶ 0050-052; via barter website **106** or pull down menus **507** and also ¶ 0147 inherently destination at NYSE and the NASDAQ market. First instrument trading symbol Aetna Stock-**AET** at line 21 of ¶ **0041**); and

displaying a second order destination menu at times when a second financial instrument trading symbol is displayed in the order input area, the second order destination menu being different from the first order destination menu(¶ 0052, lines 12; via an array of pull down menus **507** for selection of second order type menu different from first type. Second Instrument trading Symbol-the DuPont Option **DD** also in **Fig.5A**).

Himmelstein discloses all elements of the claimed invention, but fails explicitly to teach about a user interface.

However, **Nordlicht** in the same field of invention discloses the entry of commands by providing a graphical user interface (¶ 0012, line 5; via entry of command by **GUI**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the disclosure of **Himmelstein** to include the feature (**GUI**) in order to facilitate each trader client, the entry of command by providing a simplified order entry language.

As per claim 22, **Himmelstein** discloses that the first financial instrument trading symbol represents a first common stock (¶ 0041 line 21; via Aetna Stock symbol-**AET**, **234**); and

the second financial instrument trading symbol represents a second common stock (¶ 0041, line 19; via DuPont Stock-**DD**, **228**).

As per claim 23, Himmelstein discloses that the first financial instrument trading symbol represents a common stock (§ 0041 line 21; via Aetna Stock symbol-**AET, 234**); and

the second financial instrument trading symbol represents an option (§ 0051, line 12; via the DuPont Option-**DD**).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed H. Ali whose telephone number is 571-270-3021. The examiner can normally be reached on 8.00 to 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number:
10/780,313
Art Unit: 3692

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Examiner
Art Unit 3692

MA

Harish Dass *Harish T Dass*
Primary Examiner
AU 3692